

MAY 17 2007

Serial No. 10/808,645  
Amendment and Response to Office Action  
Mailed: October 31, 2008

**Remarks / Arguments**

Applicants have received the Office Action dated October 18, 2008, which:

- 1) Rejects Claim 21 and its dependent Claims 22-26, under 35 U.S.C. § 101 because said claim recites "A graphical user interface operable to ...", and thus is not limited to "functionally descriptive material."
- 2) Rejects Claims 1, 11, 21, and 27 under 35 U.S.C. § 102(e) as anticipated by Zimmer et al. U.S. Patent No. 7,051,215 (hereinafter "*Zimmer*");
- 3) Rejects Claims 2-6, 12-16, and 22-26 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Zimmer* in view of Rothman et al. U.S. PG Pub: 2004/0109408 (hereinafter "*Rothman*");
- 4) Rejects Claims 7-10 and 17-20 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Zimmer* in view of *Rothman*.

With this Response, Applicants amend claims 1, 6, 11, 16, 21 and 26; cancels claims 5, 15, 25, and 27. Therefore, claims 1-4, 6-14, 16-25, and 27 remain pending.

Based on these amendments, cancellations and the remarks that follow, Applicants submit that the pending claims are in condition for allowance and respectfully request reconsideration.

**I. CLAIM REJECTIONS – 35 U.S.C. § 101**

The examiner rejected Claim 21 and its dependent claims because said claim recites "A graphical user interface operable to ...", and thus is not limited to "functionally descriptive material."

Applicants have amended claim 21 to recite "A computer-implemented graphical user interface operable to ..." (emphasis added), thereby directly limiting said claim to a "functionally descriptive material". Therefore, the amended claim conforms to the

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requirements of 35 U.S.C § 101. Claims 22-26 depend directly or ultimately on allowable claim 21 and are therefore allowable for this reason.

Applicants respectfully request that the rejection be withdrawn and claims 21-26 formally allowed at this time.

## II. CLAIM REJECTIONS – 35 U.S.C. § 102

Claims 1, 11, 21, and 27 under 35 U.S.C. § 102(e) as anticipated by *Zimmer*.

Applicants have very carefully studied the Examiner's comments and contentions set forth in the Official Action, but applicants respectfully traverse the Examiner's rejections for the reasons set forth below.

To more particularly define the present invention, Claim 1 has been amended to include: "... receiving a designation that a selected one of the plurality of receptors is a master receptor; and receiving an image designated as a master image for the selected receptor."

Contrary to Applicants' claim, *Zimmer* does not teach or disclose receiving a master image for a designated master receptor operating as a manager for a cluster, a chassis or a server rack (see Applicants' application p.18, lines 6-24); instead, *Zimmer* specifically states "... a redundancy scheme may be implemented wherein a second blade is nominated as a live backup arbiter" (*Zimmer*, col. 12, ln. 31-53). Therefore, *Zimmer* simply discloses a redundant power arbitration scheme involving one or more blades and not a master receptor for managing a cluster.

*Zimmer* does not disclose each and every element found in claim 1. Claim 1 is not taught or suggested by *Zimmer* and is therefore allowable over *Zimmer*. For at least these reasons, claim 1 is patentable over *Zimmer*.

Claim 11 and Claim 21 are similarly amended and allowable over *Zimmer* for at least the reasons discussed above.

Claim 27 has been canceled.

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### III. CLAIM REJECTIONS – 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 2-6, 12-16, and 22-26 under 35 U.S.C. § 103 as being unpatentable over *Zimmer* in view of *Rothman* et al. U.S. PGPub: 2004/0109406 (hereinafter "*Rothman*").

Applicants respectfully traverse this rejection because neither *Zimmer* nor any of the other references teach or suggest all of the claimed elements. Claims 2-4, 6-10, 12-14, 16-20, 22-24, and 26 depend on allowable base claims 1, 11 and 21 are therefore allowable for that reason and by virtue of their further distinctive recitations.

For example, the Office Action – Paragraph 10 – stated that *Zimmer* teaches claims 2, 12, and 22, which recite "... receiving a default image for the plurality of receptors in the cluster", but failed to indicate where *Zimmer's* patent teaches the recitations of said claims. Additionally, the Examiner erroneously claimed that *Rothman* suggests or discloses the same. Unlike Applicants, *Rothman* does not suggest or disclose receiving a default image for the plurality of receptors in an identified and defined cluster [Applicants Application, p. 3, ln. 3-4], but instead discloses a configuration server, a boot server, a boot image [fig. 2 and ¶¶ 0014, ¶ 0017] in the context of a server failure [¶ 0016].

Likewise, claims 3, 13, and 23 distinctively recite "associating the default image with the at least one receptor in the cluster that is unoccupied by a network device", which is not suggested by *Rothman*. Contrary to the Examiner's interpretation, *Rothman* specifically states "The configuration server 24a may be an external agent that may be remote from the rack 15 and that communicates with each of the blade servers 24 in the rack ..." (*Rothman*, ¶ 0014). Therefore, *Rothman* expressly discloses associating with receptors occupied by a network device [blades] and does not teach anything about receptors that are unoccupied in the cluster.

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Similarly, claims 4, 14, and 24 distinctively recite "... wherein the image comprises a physical location identifying software that operates to configure the plurality of receptors in the cluster" which is neither suggested nor disclosed by *Rothman* [fig. 2 and ¶ 0022-0027] as indicated by the Examiner. The reference does not suggest or disclose a default image, erroneously interpreted by the Examiner as the "boot image" in *Rothman*, having a physical location which identifies configuration software for the plurality of receptors in the cluster.

Claims 6, 16, and 26 also distinctively recite in part "... wherein the master image ..." which, as explained previously, *Rothman* teaches away from by specifically failing to designate a master receptor operating as a manager for a cluster - therefore not associating a master image to said master receptor, but instead teaching that any blade can act as a replacement (proxy) for other blades.

Furthermore, regarding claims 7-10 and 17-20, the Office Action - in Paragraph 16 - fails to provide the basis for concluding that it would have been obvious to modify *Zimmer* in view of *Rothman* by at least automatically installing an image on the network device. The Office Action correctly recognizes that "*Zimmer* in view of *Rothman* does not explicitly show automatically installing an image on the network device; providing the user with the option of installing a default image on the network device; and overriding the image by installing the default image on the network device.", but does not indicate where *Rothman* teaches or suggests automatically installing an image on the network device. The language of Paragraph 16 of the Office Action views Applicants' claims in hindsight in reaching the conclusion that said claims are obvious.

Therefore, Applicants respectfully submit that said references cannot render dependent claims 7-10 and 17-20 obvious. Thus claims 7-10 and 17-20 are also patentable over the cited art for at least these reasons.

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#### IV. CONCLUSION

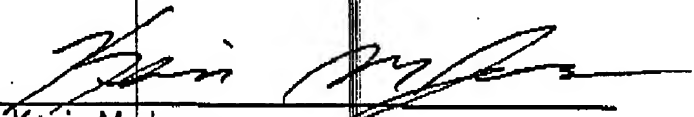
In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. However, if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Date:

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